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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/527,964

03/15/2005

Jozef Peeters

PEET3007/JEK

7502

23364

7590

07/07/2006

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EXAMINER

MUROMOTO JR, ROBERT H

ART UNIT

PAPER NUMBER

3765

DATE MAILED: 07/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/527,964

Applicant(s)

PEETERS, JOZEF

Examiner

Robert H. Muromoto, Jr.

Art Unit

3765

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13, 15 and 17-24 is/are rejected.
- 7) ☒ Claim(s) 14 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4/13/2006
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 17, 23, and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 17 and 24, the recitation, "openings... larger than the length of the hairs which are usually found on textile fibers..." is ambiguous. This so-called length has no limit and is impossible to ascertain by one of skill in the art.

In claims 23 and 24, the recitation, "from one far end of the series to the other far end thereof.", has no clear antecedent basis.

In claim 24, the recitation "a point located situated" is unclear and perhaps is a typographical error by applicant.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-13, 15, and 17-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Amman, CH 656905.

Ammann discloses, a blowing nozzle for pneumatic (air-jet) weaving machines, "The blowing nozzle (1) is provided with a flow divider (4), of which the miniature ducts (8') for the outflowing blowing air are formed by small tubes (8) connected to one another on the circumference. The flow divider (4) can be produced from longer tube bundles in large quantities and with low production costs (Derwent abstract)."

The small tubes 8 and the flow divider 4 correspond to recited "segments".

Fig. 2 clearly shows a canal for airflow defined by the body of the nozzle and the small tubes 8. The canal shape including the paths defined by the tubes 8 is clearly different from the outer shape of the nozzle as claimed.

The term "plate-shaped" is so broad and has no immediately obvious shape corresponding to it. Plates can be in an almost infinitely different number of various shapes. The small tubes and divider fall in the enormous scope of the broad term, "plate shaped".

The divider 4 provides the recited "casing".

The small tubes are connected to each other as recited in claims 5 and 6.

Fig.2 clearly shows the nozzle extending in a longitudinal direction. The tubes 8 also "extend" in the same longitudinal direction although their openings are not oriented longitudinally. The small tubes also are clearly 'directed' to the outlet opening as recited in claim 8. The tubes clearly form partitions in the canalization, separate partition walls, form longitudinal partitions (with respect to the direction of the tubes), and they inherently laterally deflect airflow as claimed.

Fig. 2 also clearly shows the tubes and divider forming a cross partition as claimed. The term, "blade shaped" is a broad statement with no clear limit as blades can be formed in any shape desired.

With respect to the limitations in claim 17 and 23, the tubes clearly form partitions that extend downward some distance. As stated previously, the limitation defining the length of the downward extension is ambiguous with no clear definition.

The partitions formed by the tubes and divider also extend slantingly toward the reed of the machine as claimed.

Figure 3, clearly shows a connection corresponding to the limitations of claim 19.

Claim 20 is inherent to Ammann, since the nozzle is stated as a nozzle for a pneumatic weaving machine.

Figures 5 and 6 show the various shapes of the tubes and disclose the limitations of claims 21 and 22.

Claim 24 recites a long list of limitations but only requires one item from the list of limitations.

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Figure 2, clearly discloses the "step-like" arrangement in claim 24. The "one far end to the other far end" limitation has no clear antecedent basis as previously cited above.

Allowable Subject Matter

Claims 14 and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The limitations in claims 14 and 16 are not taught by the prior art.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert H. Muromoto, Jr. whose telephone number is 571-272-4991. The examiner can normally be reached on 8-530, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Welch can be reached on 571-272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Bobby Muromoto
Patent examiner
July 5, 2006

A handwritten signature in black ink, appearing to be 'B. Muromoto', written over the printed name and date.